

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG  
CORPORATION, *et al.*

Defendants.

Civil Action No. 3:17-01362

CABELL COUNTY COMMISSION,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG  
CORPORATION, *et al.*

Defendants.

Civil Action No. 3:17-01665

**AGREED-TO ORDER TO LIFT THE SEAL OVER  
CERTAIN FILINGS BY ALL PARTIES**

Defendants and Plaintiffs (“the Parties”) have met and conferred regarding certain materials filed under seal and now request that the below listed filings be un-sealed in their entirety. The Parties have agreed that the seal should be lifted for the main docket numbers (e.g. ECF No. 1005), and all related sub-parts (e.g. ECF No. 1005-1) for each of the filing events listed in the below chart.

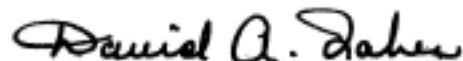
ECF Number	Pleading Title	Date Filed	Filer
1005	Dfts' Joint MSJ Re Abatement	9/22/2020	Dft

1006	Ptfs' MIL re Collateral Source Rule	9/22/2020	Ptf
1008	Ptfs' Partial MSJ re ARCOS Data	9/22/2020	Ptf
1009	Memo ISO Ptfs' Partial MSJ re ARCOS Data [ECF 1008]	9/22/2020	Ptf
1011	Ptfs' Partial MSJ re Dfts' Duties (SOMS CT2)	9/22/2020	Ptf
1013	Memo ISO McKesson MTD re Derivative Sovereign Immunity	9/22/2020	Dft
1015	Dfts' Memo ISO MSJ re Proximate Causation	9/22/2020	Dft
1017	Ptfs' Memo ISO Partial MSJ re Duties Under CSA for Cardinal [Memo to ECF 1016]	9/22/2020	Ptf
1018	Ptfs' Memo ISO Ptfs' Partial MSJ re Dfts' Duties (SOMS CT2) [Memo to ECF 1011]	9/22/2020	Ptf
1042	Memo ISO ABDC, CAH, and MCK's Mtn to Exclude Kolodny [ECF #1041]	10/2/2020	Dft
1044	Memo ISO Dfts' Mtn to Exclude Expert Testimony re Corporate Conduct (ABDC, CAH, MCK) [ECF #1043]	10/2/2020	Dft
1048	Memo ISO Dfts' Daubert re James Geldhof (ABDC, CAH, MCK) [ECF #1047]	10/2/2020	Dft
1049	Sealed Materials to Dfts' Daubert re James Geldhof [ECF #1047], Exhibit 2	10/2/2020	Dft
1050	Dfts' Daubert re Thomas McGuire	10/2/2020	Dft
1051	Dfts' Daubert re Rahul Gupta	10/2/2020	Dft
1053	Memo ISO Dfts' Daubert re James Rafalski [ECF # 1052]	10/2/2020	Dft
1054	Sealed Materials to Dfts' Daubert re James Rafalski [ECF # 1052], Exhibits 3 and 4	10/2/2020	Dft
1056	Dfts' Daubert re Katherine Keyes	10/2/2020	Dft
1059	Dfts' Daubert re George Barrett	10/2/2020	Dft
1060	Memo ISO Dfts' Daubert re George Barrett	10/2/2020	Dft
1064	Dfts' Memo ISO Mtn to Exclude Marketing Opinions of Lembke, Keyes, Kolodny & Mohr [ECF # 1063]	10/2/2020	Dft
1066	Ptfs' MIL re IQVIA Data	10/2/2020	Ptf
1068	Dfts' Daubert re Alexander (re Abatement)	10/2/2020	Dft
1069	Dfts' Memo ISO Daubert re Alexander (re Abatement) [ECF #1068]	10/2/2020	Dft
1076	Ptfs' Appx of Exhibits ISO Opposition to Dfts' MSJ re Nuisance	10/6/2020	Ptf
1081	Appx of SEALED exhibits to Ptfs' Daubert re Tricia Wright	10/6/2020	Ptf
1085	Appx of sealed materials ISO Ptfs' Opp MSJ re Abatement	10/6/2020	Ptf
1088	Dfts' Opp Ptfs' Mtn for MSJ re ARCOS Data	10/6/2020	Dft
1100	Ptfs' Appx ISO Opp Dfts' Daubert Mtn re Kolodny	10/23/2020	Ptf
1106	Ptfs' Appx Ex 1 ISO Opp Daubert re Geldhof	10/23/2020	Ptf
1107	Ptfs' Appx McGuire CT2 Depo (1104-6)	10/23/2020	Ptf
1109	Ptfs' Appx of Ex ISO Memo Opp [1052] Dfts' Daubert re Rafalski	10/23/2020	Ptf
1110	Ptfs' Appx of Ex ISO [1112] Memo Opp Dfts' Daubert re Marketing Causation	10/23/2020	Ptf
1114	Ptfs' Appx ISO Memo Opp Dfts' Daubert re Alexander	10/24/2020	Ptf

1126	Dfts' Reply ISO Daubert re Alexander (Abatement)	10/30/2020	Dft
1127	Dfts' Reply ISO Daubert re Marketing Opinions	10/30/2020	Dft
1130	Dfts' Reply ISO Dfts' MSJ re Fault Element of Nuisance Claims	10/30/2020	Dft
1132	Dfts' Reply Memo ISO MSJ re Causation	10/30/2020	Dft
1136	Dfts' Reply Memo ISO Barrett Daubert Mtn	10/30/2020	Dft
1141	Dfts' Reply Siegel Daubert Memo	10/30/2020	Dft
1150	Ptfs' Appx of Materials Opp Dfts' Omnibus MIL	10/30/2020	Ptf
1156	MCK Appx ISO MIL re MCK Misdemeanor	11/6/2020	Dft
1161	Ptfs' Sealed Appx Opp Daubert re Keyes	11/12/2020	Ptf
1164	Ptfs' Sealed Appx Ex A & B ISO Opp Dfts' Daubert re Siegel	11/13/2020	Ptf
1172	Dfts' Reply ISO Dfts' Daubert re Keyes	11/19/2020	Dft
1175	Dfts' Reply ISO Dfts' Daubert re Siegel "Oversupply"	11/20/2020	Dft

This agreed-to order is hereby **GRANTED**, and the Clerk is hereby directed to lift the seal over the docket entries listed herein. The Clerk is directed to send a copy of this Order to those counsel of record who have registered to receive an electronic NEF.

**IT IS SO ORDERED.**



David A. Faber  
Senior United States District Judge

Dated: April 5, 2021.